

Law Offices of
PAUL J. STEINER

275 Battery Street, Suite 1300
San Francisco, California 94111



[e-mail: paul@sfpaulaw.com]

[web: www.paulsteinerlaw.com]

Civil Litigation
Mediation and Arbitration

Telephone (415) 981-6100
Facsimile (415) 984-0950

CLIENT'S DEPOSITION GUIDE

Each party to a law suit has the right to take the deposition of the opposing party. Thus, when you become a plaintiff or defendant in any litigation, the opposing party may require you to appear at a specified time and place and give your oral testimony under oath, which testimony is taken down by shorthand or mechanical means and transcribed for future use in the law suit.

Your deposition, properly given, can greatly assist your lawyer in handling your litigation either by way of settlement or at the trial. What YOU do at the deposition can help you or hurt you, depending upon your attitude, truthfulness and appearance.

You will meet with your attorney before the deposition to prepare you for it. However, the following information and instructions are offered in an effort to better acquaint you with what is expected of you and how you can be an effective witness at discovery deposition time:

1. A deposition is the oral testimony of a witness taken under oath before trial and at which time most of the objections available at trial do not apply, the basic rule being that the questions asked need only address themselves to information that is relevant to the case or to discovering relevant facts.

2. The purpose of the deposition is to pick the mind of the witness of all the facts which he may have in his possession which will assist the lawyers in the preparation and trial of the law suit.

3. You should remember that usually the first opportunity that the opposing counsel has to see and assess you comes at the time of the giving of the deposition. It is important that you make a good impression upon counsel and you should appear at deposition time dressed as if you were actually going to Court to appear before jury.

4. You and your clothing should be neat and clean and business appropriate – as if you are going for an interview for a job.

5. Come prepared to exhibit any and all injuries which you have suffered and have with you the facts and figures with respect to your time lost from work, amount of wages lost, doctor bills and all other facts with respect to the damages caused as a result of your injury. Your attorney will instruct you beforehand how and what to do with those documents.

6. Consider this a solemn occasion, avoid "getting chummy" with opposing counsel or his or her client, treat all persons in the room with respect.

7. Tell the truth, never lose your temper, don't be afraid of the lawyers, speak slowly and clearly, , and if you don't understand the question, ask that it be explained. Answer all questions directly, giving concise answers to the questions, then STOP TALKING. NEVER VOLUNTEER any information. wait until the question is asked -- answer it and STOP. If you can answer "yes" or "no", do so and STOP. Stick to the facts and testify to only that which you personally know. Remember that your obligation is only to give an honest answer to the specific question asked. Do not be concerned about the questions asked or the manner in which they are asked. Do not be concerned that the other lawyer may have forgotten to ask you something which you feel is important.

8. Do not magnify your injuries or losses. Be conservative with respect to a description of your injuries. adopt an unexaggerated attitude toward your injury. Testify only to "basic facts" and do not attempt to give opinions or estimates of time and

distance unless you have good reason for knowing such matters.

9. Do not feel that you must provide an answer to every question asked. If you don't know the answer to a particular question, admit it. You cannot know all the facts and you do yourself a disservice if you attempt to testify to facts with which you are not acquainted. It is IMPERATIVE that you be HONEST and STRAIGHT FORWARD in your testimony. Don't try to memorize your story. Justice requires only that a witness tell his or her story to the best of their ability. DO NOT GUESS nor state what you think or assume may have occurred, but testify only to what you actually know - what you saw, heard or felt.

10. REMEMBER, perhaps the most important aspect of your law suit is YOU and the appearance you make. If you give the appearance of earnestness, fairness, and honesty and if in giving your deposition you keep in mind the suggestions herein made you will be taking a great stride toward successful and satisfactory completion of the litigation in which you are involved.

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